

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that House Bill 1792 be amended to read as follows:

- 1 Page 1, between the enacting clause and line 1, begin a new
- 2 paragraph and insert:
- 3 "SECTION 1. P.L.142-2001, SECTION 3 IS AMENDED TO
- 4 READ AS FOLLOWS [EFFECTIVE JULY 1, 2001
- 5 (RETROACTIVE)]: SECTION 3. (a) As used in this SECTION,
- 6 "eligible individual" means an individual who:
- 7 (1) is a resident of a hospice;
- 8 (2) is receiving a routine home care level of care (as described in
- 9 42 CFR 418.302(b)); and
- 10 (3) is eligible for Medicaid.
- 11 (b) As used in this SECTION, "office" refers to the office of
- 12 Medicaid policy and planning established by IC 12-8-6-1.
- 13 (c) As used in this SECTION, "room and board" means any
- 14 inpatient services provided by a hospice in compliance with 42 CFR
- 15 418.100 et seq.
- 16 (d) As used in this SECTION, "waiver" refers to a demonstration
- 17 waiver for reimbursement of hospice room and board.
- 18 (e) Before January 1, 2002, the office shall apply to the United
- 19 States Department of Health and Human Services for approval of the
- 20 necessary demonstration waiver under Section 1115 of the federal
- 21 Social Security Act (42 U.S.C. 1315) to provide a per diem amount for
- 22 room and board for an eligible individual under the Medicaid hospice
- 23 program in an amount equal to ninety-five percent (95%) of the
- 24 average case mix per diem rate for Medicaid payments in effect for

1 health facilities licensed under IC 16-28 as of July 1 of each year.

2 (f) If a provision of this SECTION differs from the requirements of
 3 a waiver, the office shall submit the waiver request in a manner that
 4 complies with the requirements of the waiver. However, if the waiver
 5 is approved, the office shall apply within one hundred twenty (120)
 6 days after the waiver is approved for an amendment to the waiver that
 7 contains the provisions under this SECTION that were not included in
 8 the approved waiver.

9 (g) The office shall notify the governor and the general assembly in
 10 writing regarding the determination of the United States Department of
 11 Health and Human Services concerning the waiver not later than five
 12 (5) days after the office is notified of the determination.

13 ~~(h) The office may not implement the waiver unless the general~~
 14 ~~assembly:~~

15 ~~(1) approves the implementation of the waiver; and~~

16 ~~(2) appropriates funds for implementation;~~

17 ~~(i) (h) The office may adopt rules under IC 4-22-2 necessary to~~
 18 ~~implement this SECTION.~~

19 ~~(j) (i) This SECTION expires January 1, 2008."~~

20 Page 1, after line 16, begin a new paragraph and insert:

21 "SECTION 3. **An emergency is declared for this act.**".

22 Renumber all SECTIONS consecutively.

(Reference is to HB 1792 as printed February 4, 2003.)

Representative Hasler